

The Senate Natural Resources and the Environment Committee offered the following substitute to SB 575:

A BILL TO BE ENTITLED

AN ACT

To amend Article 10 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the Metropolitan North Georgia Water Planning District, so as to change certain provisions relating to a water supply and water conservation management plan for the district; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 10 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the Metropolitan North Georgia Water Planning District, is amended by striking Code Section 12-5-584, relating to water supply and water conservation management plan for the district, and inserting in lieu thereof the following:

"12-5-584.

(a) Within two years after May 1, 2001, unless such time period is extended by majority vote of the board, the district shall prepare a water supply and water conservation management plan. The plan shall build upon and be coordinated with existing watershed planning efforts undertaken by local governments in the district area and plans otherwise developed by the state. After receipt of public comments, the district shall approve the plan which shall meet all standards established by the director, and the plan shall include the following minimum elements:

- (1) A description of current water supply resources within the district and potential limitations on such supply resources;
- (2) Projected water supply requirements over a 20 year period for the district, including projections given differing population, consumption, and conservation scenarios;
- (3) Identification of opportunities to expand water supply resources which are found within the district as it was defined on May 1, 2001;

(4) An accounting of existing transfers of surface waters in excess of 100,000 gallons per day on an annualized basis across natural basins within the district;

(5) A water conservation program including voluntary measures, best management practices, and measures enforceable through local ordinances.

(6) Education and public awareness measures regarding water conservation; and

(7) Establishment of short-term and long-term goals to be accomplished by the plan and measures for the assessment of progress in accomplishing such goals and plan.

(b)(1) The district shall review the water supply and water conservation management plan developed under this Code section and its implementation annually to determine whether there is a need to update such plan and shall report to the director the progress of implementation of its goals, and in any case the district shall prepare an updated water supply and water conservation management plan no less frequently than every five years after approval of the initial plan.

(2)(A) Not later than January 1, 2007, the water supply and water conservation management plan shall be updated to provide that, subject to the provisions of subparagraphs (B) and (C) of this paragraph, water system service shall not be supplied by a local government or local government authority to any residential or commercial building that is not otherwise subject to the requirements of Code Section 8-2-3 if such building is of any type which:

(i) Employs any gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush;

(ii) Employs any shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;

(iii) Employs any urinal that uses more than an average of 1.0 gallon of water per flush;

(iv) Employs any lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

(v) Employs any kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(B) Subparagraph (A) of this paragraph shall apply:

(i) In 2007 to all water system service accounts that are among the oldest 10 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(ii) In 2008 to all water system service accounts that are among the oldest 20 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(iii) In 2009 to all water system service accounts that are among the oldest 30 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(iv) In 2010 to all water system service accounts that are among the oldest 40 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(v) In 2011 to all water system service accounts that are among the oldest 50 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(vi) In 2012 to all water system service accounts that are among the oldest 60 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(vii) In 2013 to all water system service accounts that are among the oldest 70 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(viii) In 2014 to all water system service accounts that are among the oldest 80 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3;

(ix) In 2015 to all water system service accounts that are among the oldest 90 percent of all active water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3; and

(x) In 2016 to all water system service accounts for residential and commercial buildings that are not otherwise subject to the requirements of Code Section 8-2-3.

(C) The updated plan shall provide exemptions to the requirements of subparagraph (A) of this paragraph but only under the following conditions:

(i) When such plumbing or sewage system within such existing building, because of its capacity, design, or installation, would not function properly if the toilets, faucets, or shower heads required by subparagraph (A) of this paragraph were installed;

(ii) When the plumbing units are:

(I) Specifically designed for use by persons with disabilities;

(II) Specifically designed to withstand unusual abuse or installation in a penal institution; or

(III) Toilets for juveniles; or

(iii) When the building is listed on the National Register of Historic Places, the building is listed on a state historic register authorized by general law, the building is designated by local ordinance as a historic property pursuant to Code Section

1 44-10-26, or the owner offers other satisfactory evidence that the building has
2 significant historical or cultural value.

3 The updated plan shall provide procedures and requirements to apply for any exemption
4 authorized by this subparagraph.

5 (D) The current account holder for water system service may provide written consent
6 for the local government or local government authority to arrange for a private
7 contractor thereof to retrofit a building with the requisite plumbing fixtures for purposes
8 of eliminating all deficiencies identified pursuant to subparagraph (A) of this paragraph
9 and perform no other services or fulfill no other duties on behalf of the local
10 government in connection therewith; provided, however, that if the account holder is
11 not the owner of the building, then the owner of the building must also provide written
12 consent for purposes of this subparagraph. If such consent is granted to a local
13 government or local government authority, such retrofitting shall be performed thereby;
14 and the cost of such retrofitting shall be borne initially by the local government or local
15 government authority and shall thereafter be reimbursed by the account holder through
16 the imposition of a monthly surcharge on the amount otherwise due on the account for
17 water system service for such building, which monthly surcharge shall not exceed 10
18 percent of the balance otherwise due for water system service if ten or fewer
19 households or buildings are serviced under the same account; shall not exceed 5 percent
20 of the balance otherwise due if at least ten but fewer than 20 households or buildings
21 are serviced under the same account; or shall not exceed 2 percent of the balance
22 otherwise due if at least 20 households or buildings are serviced under the same
23 account. Such surcharge shall continue to be imposed against the consenting account
24 holder until all retrofitting costs for such building, plus interest at the legal rate of
25 interest, have been reimbursed to the local government or local government authority;
26 provided, however, that if the account holder for water system service subsequently
27 changes after such retrofitting but before all such costs and interest have been
28 reimbursed, the unpaid balance shall not constitute unpaid charges for water service but
29 shall continue to be assessed against subsequent account holders for the same building
30 until such time as all such costs and interest have been reimbursed.

31 (c) The district shall hold public meetings concerning any plan developed by the district
32 under subsection (a) of this Code section and shall publish for public notice and comment
33 any proposed approval, disapproval, or conditional approval of any such plan.

34 (d)(1) Local governments within the district shall implement the provisions of the district
35 plans that apply to them. Should any jurisdiction fail to do so, the director may exercise
36 his or her powers pursuant to this chapter.

1 (2) Upon the district's approval of the plan, the director may modify all existing permits
2 under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and 12-5-179 to make
3 them consistent with the plan. The director may include as a condition in any issued,
4 modified, or renewed permit to any local government under Code Section 12-5-29,
5 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 the applicable contents of the district
6 plan.

7 (3) The director shall not approve any application by a local government in the district
8 to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30, 12-5-31,
9 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase in the water
10 withdrawal, public water system capacity, or waste-water treatment system capacity of
11 such local government, unless such local government is in compliance with the applicable
12 provisions of the plan or the director certifies that such local government is making good
13 faith efforts to come into compliance.

14 (4) Any local government that fails to adopt and implement the applicable plans
15 developed by the district under this Code section shall be ineligible for state grants or
16 loans for water supply and conservation projects determined by the director to be
17 inconsistent with such plans. The determination of the director may be appealed by the
18 local government to the board, whose decision by majority vote shall be final.

19 (e) The water supply and water conservation management plan shall be approved by the
20 district only after certification by the director that the proposed plan is consistent with the
21 standards established by the director for such plan.

22 (f) The district shall neither study nor include in any plan any interbasin transfer of water
23 from outside the district area."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.